

AMENDED IN ASSEMBLY MAY 30, 2006

AMENDED IN ASSEMBLY APRIL 5, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2104

Introduced by Assembly Member Lieber
(Coauthor: Assembly Member Laird)
(Coauthor: Senator Bowen)

February 17, 2006

An act to amend Section 739.5 of the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2104, as amended, Lieber. Energy: California Alternate Rates for Energy program.

(1) Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law requires the commission to establish a program of assistance to low-income electric and gas customers, referred to as the California Alternate Rates for Energy (CARE) program.

Existing law requires, when gas or electric service is provided by a master-meter customer to users who are tenants of a mobilehome park, apartment building, or similar residential complex, that the master-meter customer charge each user at the same rate as would apply if the user were receiving gas or electricity directly from the gas or electrical corporation.

This bill would require the commission, by December 31, 2007, to improve the CARE application process for tenants of a mobilehome

park, apartment building, or similar residential complex receiving electric or gas service from a master-meter customer through a submetered system by developing processes whereby electrical corporations and gas corporations are able to directly accept CARE applications from those tenants and to directly notify and provide renewal applications to tenants that are existing CARE customers. These requirements would be repealed on January 1, 2008.

(2) The existing Public Utilities Act requires the commission to require every electrical and gas corporation to notify each master-meter customer of its responsibilities to submetered customers.

This bill would require the commission to require every electrical and gas corporation to timely provide each master-meter customer with a list of tenants who are approved to receive discounts pursuant to the CARE program, including those tenants added or deleted from CARE program eligibility since the previous billing cycle.

(3) Under existing law, a violation of the Public Utilities Act or an order or direction of the commission is a crime.

Because the provisions of this bill would be a part of the act and because a violation of an order or decision of the commission implementing its requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Public Utilities Commission shall, by
- 2 December 31, 2007, improve the California Alternative Rates for
- 3 Energy or CARE program application process for tenants of a
- 4 mobilehome park, apartment building, or similar residential
- 5 complex, receiving electric or gas service from a master-meter
- 6 customer through a submetered system pursuant to Section
- 7 739.5, by doing both of the following:

1 (1) Developing processes whereby electrical corporations and
2 gas corporations are able to directly accept CARE applications
3 from tenants of a mobilehome park, apartment building, or
4 similar residential complex.

5 (2) Developing processes whereby electrical corporations and
6 gas corporations are able to directly notify and provide renewal
7 applications to tenants of a mobilehome park, apartment
8 building, or similar residential complex, that are existing CARE
9 customers.

10 (b) This section shall remain in effect only until January 1,
11 2008, and as of that date is repealed, unless a later enacted
12 statute, that is chaptered before January 1, 2008, deletes or
13 extends that date.

14 *SEC. 2. Section 739.5 of the Public Utilities Code is amended*
15 *to read:*

16 739.5. (a) The commission shall require that, whenever gas
17 or electric service, or both, is provided by a master-meter
18 customer to users who are tenants of a mobilehome park,
19 apartment building, or similar residential complex, the
20 master-meter customer shall charge each user of the service at
21 the same rate which would be applicable if the user were
22 receiving gas or electricity, or both, directly from the gas or
23 electrical corporation. The commission shall require the
24 corporation furnishing service to the master-meter customer to
25 establish uniform rates for master-meter service at a level which
26 will provide a sufficient differential to cover the reasonable
27 average costs to master-meter customers of providing submeter
28 service, except that these costs shall not exceed the average cost
29 that the corporation would have incurred in providing
30 comparable services directly to the users of the service.

31 (b) Every master-meter customer of a gas or electrical
32 corporation subject to subdivision (a) who, on or after January 1,
33 1978, receives any rebate from the corporation shall distribute to,
34 or credit to the account of, each current user served by the
35 master-meter customer that portion of the rebate which the
36 amount of gas or electricity, or both, consumed by the user
37 during the last billing period bears to the total amount furnished
38 by the corporation to the master-meter customer during that
39 period.

(c) An electrical or gas corporation furnishing service to a master-meter customer shall furnish to each user of the service within a submetered system every public safety customer service which it provides beyond the meter to its other residential customers. The corporation shall furnish a list of those services to the master-meter customer who shall post the list in a conspicuous place accessible to all users. Every corporation shall provide these public safety customer services to each user of electrical or gas service under a submetered system without additional charge unless the corporation has included the average cost of these services in the rate differential provided to the master-meter customer on January 1, 1984, in which case the commission shall deduct the average cost of providing these public safety customer services when approving rate differentials for master-meter customers.

(d) Every master-meter customer is responsible for maintenance and repair of its submeter facilities beyond the master-meter, and nothing in this section requires an electrical or gas corporation to make repairs to or perform maintenance on the submeter system.

(e) Every master-meter customer shall provide an itemized billing of charges for electricity or gas, or both, to each individual user generally in accordance with the form and content of bills of the corporation to its residential customers, including, but not limited to, the opening and closing readings for the meter, and the identification of all rates and quantities attributable to each block in the applicable rate structure. The master-meter customer shall also post, in a conspicuous place, the applicable prevailing residential gas or electrical rate schedule, as published by the corporation.

(f) (1) The commission shall require that every electrical and gas corporation shall notify each master-meter customer of its responsibilities to its users under this section.

(2) *The commission shall require that every electrical and gas corporation timely provide each master-meter customer with a list of tenants who are approved to receive discounts pursuant to the California Alternate Rates for Energy or CARE program, including those tenants added or deleted from CARE program eligibility since the previous billing cycle.*

1 (g) The commission shall accept and respond to complaints
2 concerning the requirements of this section through the consumer
3 affairs branch, in addition to any other staff that the commission
4 deems necessary to assist the complainant. In responding to the
5 complaint, the commission shall consider the role that the office
6 of the county sealer in the complainant's county of residence
7 may have in helping to resolve the complaint and, where
8 appropriate, coordinate with that office.

9 *SEC. 3. No reimbursement is required by this act pursuant to*
10 *Section 6 of Article XIII B of the California Constitution because*
11 *the only costs that may be incurred by a local agency or school*
12 *district will be incurred because this act creates a new crime or*
13 *infraction, eliminates a crime or infraction, or changes the*
14 *penalty for a crime or infraction, within the meaning of Section*
15 *17556 of the Government Code, or changes the definition of a*
16 *crime within the meaning of Section 6 of Article XIII B of the*
17 *California Constitution.*